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Sectoral policy questions: business and development

Draft resolution submitted by the Chairman of the Committee, Mr. Alexandru Niculescu (Romania), on the basis of informal consultations held on draft resolution A/C.2/55/L.32

Preventing and combating corrupt practices and illegal transfer of funds and repatriation of such funds to their countries of origin

The General Assembly,

Recalling its resolutions 53/176 of 15 December 1998 on action against corruption and bribery in international commercial transactions, 54/205 of 22 December 1999 on the prevention of corrupt practices and illegal transfer of funds and 55/61 of 4 December 2000 on an effective international legal instrument against corruption,

Concerned about the seriousness of problems posed by corruption, which may endanger the stability and security of societies, undermine the values of democracy and morality and jeopardize social, economic and political development,

Recognizing the importance of international cooperation and existing international and national laws for combating corruption in international commercial transactions,

Noting with appreciation the recent adoption of the United Nations Convention against Transnational Organized Crime and its two Protocols,[1]

Recognizing also the important role of the business community, including, in particular, the private sector, in enhancing the dynamic process of the development of the agricultural, industrial and service sectors and the need to create an enabling environment at the national and international levels for business in order to facilitate economic growth and sustainable development of developing countries, most especially African countries, taking into account the development priorities of Governments,

[1] Resolution 55/25, annexes I-III.

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Mindful of the very important role that the private sector can play in fostering economic growth and development and of the active involvement of the United Nations system in facilitating the constructive participation and orderly interaction of the private sector in the development process by embracing universal principles and norms, such as honesty, transparency and accountability,

Noting the report of the Secretary-General in respect of the prevention of corrupt practices and illegal transfer of funds,[2]

1. *Reiterates* its condemnation of corruption, bribery, money-laundering and the illegal transfer of funds;

2. *Calls* for further international and national measures to combat corrupt practices and bribery in international transactions and for international cooperation in support of these measures;

3. *Also calls* for, while recognizing the importance of national measures, increased international cooperation, inter alia, through the United Nations system, in devising ways and means of preventing and addressing illegal transfers, as well as in repatriating illegally transferred funds to their countries of origin, and calls upon all countries and entities concerned to cooperate in this regard;

4. *Requests* the international community to support the efforts of all countries aimed at strengthening institutional capacity and regulatory frameworks for preventing corruption, bribery, money-laundering and the illegal transfer of funds, as well as for the repatriation of those funds to their countries of origin;

5. *Reiterates its request* to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of recommendations of the Commission on Crime Prevention and Criminal Justice at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption, and invites the expert group on the same basis to examine the question of illegally transferred funds and the repatriation of such funds to their countries of origin;

6. *Decides* to keep this matter under review and, in this regard, requests the Secretary-General, in consultation with Member States and relevant bodies of the United Nations system, to prepare, without duplicating material contained in the report requested in accordance with resolution 55/61, an analytical report containing information on progress in the implementation of the present resolution and, bearing in mind resolution 54/205, concrete recommendations, inter alia, with regard to the repatriation of illegally transferred funds to their countries of origin, and to submit the report to the General Assembly at its fifty-sixth session, under the item entitled "Sectoral policy questions: business and development".

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[2] A/55/405.